House File 2397 - Introduced

HOUSE FILE 2397
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2265)

A BILL FOR

- 1 An Act relating to the admissibility of evidence of an
- 2 employee's criminal history in civil actions.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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- Section 1. <u>NEW SECTION</u>. **671A.1** Limitation on admissibility 2 of evidence of an employee's criminal history.
- 3 l. Information regarding the criminal history of an
- 4 employee or former employee shall not be introduced as evidence
- 5 in a civil action against an employer or its employees or
- 6 agents that is based on the conduct of the employee or former
- 7 employee in any of the following circumstances:
- 8 a. The nature of the criminal history does not bear a direct
- 9 relationship to the facts underlying the cause of action.
- 10 b. Before the occurrence of the act giving rise to the civil
- 11 action, a court ordered the record of any criminal case sealed
- 12 or the president of the United States or the chief executive of
- 13 a state pardoned the employee or former employee.
- 14 c. The record is of an arrest or charge that did not result
- 15 in a criminal conviction.
- 16 d. A court granted the employee or former employee a
- 17 deferred judgment at sentencing and a court did not revoke the
- 18 deferred judgment.
- 19 2. This section does not alter any statutory provision
- 20 allowing an employer to conduct a criminal history background
- 21 investigation or consider criminal history records in the
- 22 employment process for particular types of employment.
- 23 3. This section does not create a duty for employers not
- 24 otherwise so required by law to conduct criminal history
- 25 background checks.
- 26 EXPLANATION
- The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.
- 29 This bill relates to the admissibility of evidence about
- 30 an employee's criminal history in a civil action that is
- 31 based on the conduct of an employee or former employee. The
- 32 bill prohibits the introduction of information regarding the
- 33 criminal history of an employee or former employee as evidence
- 34 in a civil action against an employer or its employees or
- 35 agents that is based on the conduct of the employee or former

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1 employee in any of the following circumstances: the nature of 2 the criminal history does not bear a direct relationship to the 3 facts underlying the cause of action; before the occurrence 4 of the act giving rise to the civil action, a court ordered 5 the record of any criminal case sealed or the president of the 6 United States or the chief executive of a state pardoned the 7 employee or former employee; the record is of an arrest or 8 charge that did not result in a criminal conviction; or a court 9 granted the employee or former employee a deferred judgment at 10 sentencing and a court did not revoke the deferred judgment. 11 The bill does not alter any statutory provision allowing an 12 employer to conduct a criminal history background investigation 13 or consider criminal history records in the employment process 14 for particular types of employment. The bill also does not 15 create a duty for employers not otherwise so required by law to 16 conduct criminal history background checks.